

ASSEMBLY BILL

No. 2488

Introduced by Assembly Member Williams

February 24, 2012

An act to amend Section 44081 of the Health and Safety Code, relating to vehicular pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2488, as introduced, Williams. Vehicles: gross polluters.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program, administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law requires the department, in cooperation with the State Air Resources Board, to institute procedures, including remote sensing devices and roadside testings, to audit the emissions of vehicles while being driven on the streets and highways of the state.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44081 of the Health and Safety Code is
- 2 amended to read:
- 3 44081. (a) (1) The department, in cooperation with the state
- 4 board, shall institute procedures for auditing the emissions of

1 vehicles while actually being driven on the streets and highways
2 of the state. The department may undertake those procedures itself
3 or seek a qualified vendor of these services. The primary object
4 of the procedures shall be the detection of gross polluters. The
5 procedures shall consist of techniques and technologies determined
6 to be effective for that purpose by the department, including, but
7 not limited to, remote sensing. The procedures may include
8 pullovers for roadside emissions testing and inspection. The
9 department shall consider the recommendations of the review
10 committee based on the outcome of the pilot demonstration
11 program conducted pursuant to Section 44081.6.

12 (2) The department may additionally use other methods to
13 identify gross polluting vehicles for out-of-cycle testing and repair.

14 (b) The department shall, by regulation, establish a program for
15 the out-of-cycle testing and repair of motor vehicles found, through
16 roadside auditing, to be emitting at levels that exceed specified
17 standards. The program shall include all of the following elements:

18 (1) Emission standards, and test and inspection procedures and
19 regulations, adopted in coordination with the state board, applicable
20 to vehicles tested during roadside auditing. Emission standards for
21 issuance of a notice of noncompliance to a gross polluter shall be
22 designed to maximize the identification of vehicles with substantial
23 excess emissions.

24 (2) Procedures for issuing notices of noncompliance to owners
25 of gross polluters, either at the time of the roadside audit, or
26 subsequently by certified mail, or by obtaining a certificate of
27 mailing as evidence of service, using technologies for recording
28 license plate numbers. The notice of noncompliance shall provide
29 that, unless the vehicle is brought to a designated test-only facility
30 or a test-and-repair station that is both licensed and certified
31 pursuant to Sections 44014 and 44014.2; for emissions testing
32 within 30 days, the owner is required to pay an administrative fee
33 of five hundred dollars (\$500) to be collected by the Department
34 of Motor Vehicles at the next annual registration renewal or the
35 next change of ownership of the vehicle, whichever occurs first.
36 Commencing on the 31st day after issuance of the notice of
37 noncompliance, the fee shall accrue at the rate of five dollars (\$5)
38 per day up to the five hundred dollars (\$500) maximum.

39 (3) Procedures for the testing of vehicles identified as gross
40 polluters by a designated test-only facility, or a test-and-repair

1 station that is both licensed and certified pursuant to Sections
2 44014 and 44014.2, to confirm that the vehicle exceeds the
3 minimum emission standard for gross polluters set by the
4 department.

5 (4) Procedures requiring owners of vehicles confirmed as gross
6 polluters to have the vehicle repaired, resubmitted for testing, and
7 obtain a certificate of compliance from a designated test-only
8 facility, or a test-and-repair station that is both licensed and
9 certified pursuant to Sections 44014 and 44014.2, or removed from
10 service as attested by a certificate of nonoperation from the
11 Department of Motor Vehicles within 30 days or be required to
12 pay an administrative fee of not more than five hundred dollars
13 (\$500), to be collected by the Department of Motor Vehicles at
14 the next annual registration renewal or the next change of
15 ownership, whichever occurs first. Commencing on the 31st day
16 after issuance of the notice of noncompliance, the fee shall accrue
17 at the rate of five dollars (\$5) per day up to the five hundred dollar
18 (\$500) maximum. The registration of a vehicle shall not be issued
19 or renewed if that vehicle has been identified as a gross polluter
20 and has not been issued a certificate of compliance. Except as
21 provided in subdivision (b) of Section 9250.18 of the Vehicle
22 Code, any revenues collected by the Department of Motor Vehicles
23 pursuant to this subdivision and Section 9250.18 of the Vehicle
24 Code shall be deposited in the Vehicle Inspection and Repair Fund.
25 If the ownership of the vehicle is transferred, the administrative
26 fee provided for in this subdivision shall be waived if the vehicle
27 is brought into compliance.

28 (5) A procedure for notifying the Department of Motor Vehicles
29 of notices of noncompliance issued, so that the Department of
30 Motor Vehicles may provide effective collection of the
31 administrative fee. The Department of Motor Vehicles shall
32 cooperate with, and implement the requirements of, the department
33 in that regard.

34 (c) The department may adopt any other regulations necessary
35 for the effective implementation of this section, as determined by
36 the department.

37 (d) Upon the request of the department, the Department of the
38 California Highway Patrol shall provide assistance in conducting
39 roadside auditing, to consist of (1) the stopping of vehicles and
40 traffic management, and (2) the issuance of notices of

1 noncompliance to gross polluters. The department shall reimburse
2 the Department of the California Highway Patrol for its costs of
3 providing those services. The Department of Transportation and
4 affected local agencies shall provide necessary assistance and
5 cooperation to the department in the operation of the program.

6 (e) There shall be no repair cost limit imposed pursuant to
7 Section 44017 for any repairs that are required to be made under
8 the roadside auditing program, except as provided in Section
9 44017.

10 (f) This section does not apply to vehicles operating under a
11 valid repair cost waiver or economic hardship extension issued
12 pursuant to Section 44015.